

title referred to as the "Secretary") may conduct projects that the Secretary determines are necessary to rehabilitate and restore, and may conduct salvage harvests on, National Forest System lands in the North Fork drainage on the Flathead National Forest, as generally depicted on a map entitled "North Fork Drainage" which shall be on file and available for public inspection in the Office of Chief, Forest Service, Washington, D.C.

(b) PROCEDURE.—

(1) IN GENERAL.—Except as otherwise provided by this title, the Secretary shall conduct projects under this title in accordance with—

(A) the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(B) other applicable laws.

(2) ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENT.—If an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act (42 U.S.C. 4332(2))) is required for a project under this title, the Secretary shall not be required to study, develop, or describe any alternative to the proposed agency action in the environmental assessment or the environmental impact statement.

(3) PUBLIC COLLABORATION.—To encourage meaningful participation during preparation of a project under this title, the Secretary shall facilitate collaboration among the State of Montana, local governments, and Indian tribes, and participation of interested persons, during the preparation of each project in a manner consistent with the Implementation Plan for the 10-year Comprehensive Strategy of a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, which was developed pursuant to the conference report for the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106-646).

(4) COMPLIANCE WITH CLEAN WATER ACT.—Consistent with the Clean Water Act (33 U.S.C. 1251 et seq.) and Montana Code 75-5-703(10)(b), the Secretary is not prohibited from implementing projects under this title due to the lack of a Total Maximum Daily Load as provided for under section 303(d) of the Clean Water Act (33 U.S.C. 1313(d)), except that the Secretary shall comply with any best management practices required by the State of Montana.

(5) ENDANGERED SPECIES ACT CONSULTATION.—If a consultation is required under section 7 of the Endangered Species Act (16 U.S.C. 1536) for a project under this title, the Secretary of the Interior shall expedite and give precedence to such consultation over any similar requests for consultation by the Secretary.

(6) ADMINISTRATIVE APPEALS.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (Public Law 102-381; 16 U.S.C. 1612 note) and section 215 of title 36, Code of Federal Regulations shall apply to projects under this title, except that—

(A) to be eligible to file an appeal, an individual or organization shall submit specific and substantive written comments during the comment period; and

(B) a determination that an emergency situation exists pursuant to section 215.10 of title 36, Code of Federal Regulations, shall be made where it is determined that implementation of all or part of a decision for a project under this title is necessary for relief from—

(i) adverse effects on soil stability and water quality resulting from vegetation loss; or

(ii) loss of fish and wildlife habitat.

SEC. 504. CONTRACTING AND COOPERATIVE AGREEMENTS. (a) IN GENERAL.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into contract or cooperative agreements to carry out a project under this title.

(b) EXEMPTION.—Notwithstanding any other provisions of law, the Secretary may limit competition for a contract or a cooperative agreement under subsection (a).

SEC. 505. MONITORING REQUIREMENTS. (a) IN GENERAL.—The Secretary shall establish a multiparty monitoring group consisting of a representative number of interested parties, as determined by the Secretary, to monitor the performance and effectiveness of projects conducted under this title.

(b) REPORTING REQUIREMENTS.—The multiparty monitoring group shall prepare annually a report to the Secretary on the progress of the projects conducted under this title in rehabilitating and restoring the North Fork drainage. The Secretary shall submit the report to the Senate Subcommittee on Interior Appropriations of the Senate Committee on Appropriations.

SEC. 506. SUNSET. The authority for the Secretary to issue a decision to carry out a project under this title shall expire 5 years from the date of enactment.

SEC. 507. IMPLEMENTATION OF RECORDS OF DECISION. The Secretary of Agriculture shall publish new information regarding forest wide estimates of old growth from volume 103 of the administrative record in the case captioned *Ecology Center v. Castaneda*, CV-02-200-M-DWM (D. Mont.) for public comment for a 30-day period. The Secretary shall review any comments received during the comment period and decide whether to modify the Records of Decision (hereinafter referred to as the "ROD's") for the Pinkham, White Pine, Kelsey-Beaver, Gold/Boulder/Sullivan, and Pink Stone projects on the Kootenai National Forest. The ROD's, whether modified or not, shall not be deemed arbitrary and capricious under the NFMA, NEPA or other applicable law as long as each project area retains 10 percent designated old growth in the project area.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2004".

MEASURE READ THE FIRST TIME—S. 1657

Mr. DEWINE. Mr. President, I understand that S. 1657, which was introduced earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1657) to amend section 44921 of title 49, United States Code, to provide for arming of cargo pilots against terrorism.

Mr. DEWINE. I now ask for its second reading and object to its second reading on this matter.

The PRESIDING OFFICER. Objection is heard.

The bill will have its second reading on the next legislative day.

TO REDESIGNATE THE FACILITY OF THE UNITED STATES POSTAL SERVICE LOCATED AT 48 SOUTH BROADWAY, NYACK, NEW YORK, AS THE "EDWARD O'GRADY, WAVERLY BROWN, PETER PAIGE POST OFFICE BUILDING"

Mr. DEWINE. I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 1591, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1591) to redesignate the facility of the United States Postal Service located at

48 South Broadway, Nyack, New York, as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building."

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1591) was read the third time and passed, as follows:

S. 1591

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 48 South Broadway, Nyack, New York, and known as the "Nyack Post Office" shall be known as the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to shall be deemed to be a reference to the "Edward O'Grady, Waverly Brown, Peter Paige Post Office Building".

VIDEO VOYEURISM PREVENTION ACT OF 2003

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 228, S. 1301.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1301) to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[This Act may be cited as the "Video Voyeurism Prevention Act of 2003".]

SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

[(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

["CHAPTER 88—PRIVACY

["Sec.

["1801. Video voyeurism.

["§ 1801. Video voyeurism

["(a) Whoever, in the special maritime and territorial jurisdiction of the United States, having the intent to capture an improper image of an individual, knowingly does so under circumstances violating the privacy of that individual, shall be fined under this title or imprisoned not more than one year, or both.

["(b) In this section—

["(1) the term 'captures', with respect to an image, means videotapes, photographs, films, or records by any electronic means;

["(2) the term 'improper image', with respect to an individual, means an image, captured without the consent of that individual, of the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual; and

["(3) the term 'under circumstances violating the privacy of that individual' means under circumstances in which the individual exhibits an expectation that the improper image would not be made, in a situation in which a reasonable person would be justified in that expectation."]

[(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

["88. Privacy 1801".]
SECTION 1. SHORT TITLE.

This Act may be cited as the "Video Voyeurism Prevention Act of 2003".

SEC. 2. PROHIBITION OF VIDEO VOYEURISM.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—VIDEO VOYEURISM

"Sec.

"1801. Video voyeurism.

"§ 1801. Video voyeurism

"(a) Whoever, in the special maritime and territorial jurisdiction of the United States, having the intent to capture an improper image of an individual, knowingly does so and that individual's naked or undergarment clad genitals, pubic area, buttocks, or female breast is depicted in the improper image under circumstances in which that individual has a reasonable expectation of privacy regarding such body part or parts, shall be fined under this title or imprisoned not more than one year, or both.

"(b) In this section—

"(1) the term 'captures', with respect to an image, means videotapes, photographs, films, or records by any means or broadcasts;

"(2) the term 'female breast' means any portion of the female breast below the top of the areola;

"(3) the term 'improper image', with respect to an individual, means an image, captured without the consent of that individual, of the naked or undergarment clad genitals, pubic area, buttocks, or female breast of that individual; and

"(4) the term 'under circumstances in which that individual has a reasonable expectation of privacy' means—

"(A) circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that his or her image was being videotaped, photographed, filmed, broadcast, or otherwise recorded by any means; or

"(B) circumstances in which a reasonable person would believe that his or her naked or undergarment-clad pubic area, buttocks, genitals, or female breast would not be visible to the public, regardless of whether that person is in a public or private area.

"(c) This section shall not apply to any person engaged in lawful law enforcement or intelligence activities.".

(b) AMENDMENT TO PART ANALYSIS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 87 the following new item:

"88. Video Voyeurism 1801".

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing S. 1301, the DeWine-Schumer-Leahy Video Voyeurism Prevention Act of 2003. This

bill targets the pernicious practice of invading a person's privacy through the surreptitious use of hidden surveillance equipment. Specifically, the bill makes it a crime to capture an improper, naked or near-naked image of a person without his or her consent, and in such a way as to violate his or her privacy. Any person found guilty of video voyeurism as outlined in the bill may be fined or imprisoned for up to one year, or both.

In recent years, the explosion of micro-camera technology has fed the growing phenomenon of video voyeurism. Hidden cameras have been discovered in bedrooms, bathrooms, public showers, changing rooms, locker rooms, and tanning salons, all aimed at filming unsuspecting victims in various states of undress. Often, the invasion of privacy is exacerbated when captured images are posted on the Internet for all the world to see.

I commend Senators DEWINE and SCHUMER for bringing this invasive practice to the attention of the Judiciary Committee, and for crafting a bill that addresses it in a thoughtful and measured manner. In addition, I thank them for addressing a concern I raised during the Committee's consideration of the bill. As introduced, the bill did not expressly prohibit "cyber-peeping"—a particularly offensive form of video voyeurism involving the contemporaneous transmission of improper images of a non-consenting person over the Internet through Web cameras and other means. As reported by the Judiciary Committee, the "cyber-peeping" loophole has been closed: The bill we pass today covers the simultaneous Web casting of images or any other transmissions that may not be recorded, so that defendants who use this means of violating people's privacy cannot escape punishment.

The National Center for Victims of Crime has dubbed video voyeurism "the new frontier of stalking." The States are already responding to this "new frontier" in many different ways. Some have passed video voyeurism laws; others have addressed the conduct within the context of their laws against stalking. The Video Voyeurism Prevention Act brings the Federal criminal laws to bear on those who commit this offense within the special maritime or territorial jurisdiction of the United States. It should be enacted without delay.

Mr. DEWINE. I ask unanimous consent that the committee substitute amendment be agreed to, the bill as amended be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1301), as amended, was read the third time and passed.

**FEDERAL MARITIME COMMISSION
AUTHORIZATION ACT OF 2003**

Mr. DEWINE. I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 245, S. 1244.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1244) to authorize appropriations for the Federal Maritime Commission for fiscal years 2004 and 2005.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Maritime Commission Authorization Act of 2003".

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS
FOR FEDERAL MARITIME COMMISSION.**

There are authorized to be appropriated to the Federal Maritime Commission—

- (1) for fiscal year 2004, \$18,471,000; [and]
- (2) for fiscal year 2005, [\$19,500,000].
- \$19,500,000;
- (3) for fiscal year 2006, \$20,750,000;
- (4) for fiscal year 2007, \$21,500,000; and
- (5) for fiscal year 2008, \$22,575,000."

**SEC. 3. CHAIRMAN DESIGNATED WITH SENATE
CONFIRMATION.**

Section 102(b) of the Reorganization Plan No. 7 of 1961 (5 U.S.C. 903 nt) is amended by striking "President" and inserting "President, by and with the advice and consent of the Senate,".

SEC. 4. REPORT ON OCEAN SHIPPING INFORMATION GATHERING EFFORTS.

The Federal Maritime Commission shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report within 90 days after the date of enactment of this Act on the status of any agreements, or ongoing discussions with, other Federal, State, or local government agencies concerning the sharing of ocean shipping information for the purpose of assisting law enforcement or anti-terrorism efforts. The Commission shall include in the report recommendations on how the Commission's ocean shipping information could be better utilized by it and other Federal agencies to improve port security.

Amend the title so as to read "A bill to authorize appropriations for the Federal Maritime Commission for fiscal years 2004 through 2008.".

Mr. DEWINE. I ask unanimous consent that the committee reported amendments be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, the motion to reconsider be laid upon the table and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1244), as amended, was considered read the third time and passed, as follows: